

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERMAINE HICKS	:	CIVIL ACTION
	:	
v.	:	NO. 22-977
	:	
CITY OF PHILADELPHIA, MARTIN	:	
VINSON, ROBERT ELLIS, ARTHUR	:	
CAMPBELL, MARK WEBB, MICHAEL	:	
YOUSE, FRANK HOLMES, DOUGLAS	:	
VOGELMAN, KEVIN HODGES, DENNIS	:	
ZUNGOLO, MARY BRIDGET SMITH	:	

ORDER

AND NOW, this 20th day of May 2025, upon considering defendants' motions for summary judgment (DI 219, 221, 222), plaintiff's opposition (DI 259), defendants' replies and further responses (DI 271, 273, 252), and for reasons in the accompanying memorandum, it is **ORDERED**:

1. Vinson defendants' motion for summary judgment (DI 219) is **GRANTED in part** and **DENIED in part**. The motion is **granted** as to the *Brady* (Count II) and Fourteenth Amendment malicious prosecution (Count III) claims against all Vinson defendants, and the deliberate deception (Count II) claim against Officers Vinson and Ellis. It is **denied** as to the deliberate deception (Count II) claim against Officer Zungolo, and the fabrication of evidence (Count I), Fourth Amendment malicious prosecution (Count III), civil rights conspiracy (Count IV), and state law malicious prosecution (Count VI) claims against all Vinson defendants.

2. Smith's motion for summary judgment (DI 221) is **GRANTED in part** and **DENIED in part**. The motion is **granted** as to the *Brady* (Count II), Fourteenth Amendment malicious prosecution (Count III), and deliberate deception (Count II) claims against the Estate

of Brian Smith. It is **denied** as to the fabrication of evidence (Count I), Fourth Amendment malicious prosecution (Count III), civil rights conspiracy (Count IV), and state law malicious prosecution (Count VI) claims.

3. The City's motion for summary judgment (DI 222) is **GRANTED in part** and **DENIED in part**. The motion is **granted** as to the *Brady* (Count II) and Fourteenth Amendment malicious prosecution (Count III) claims against all individual City defendants; the fabrication of evidence (Count I) claim against Detective Webb; and the deliberate deception (Count II) claim against Sergeant Vogelmann, Lieutenant Hodges, and Officers Youse and Holmes. The motion is **denied** as to the fabrication of evidence (Count I) claim against all individual City defendants except for Detective Webb; the deliberate deception (Count II) claim against Detectives Campbell and Webb; and the Fourth Amendment malicious prosecution (Count III), civil rights conspiracy (Count IV), and state law malicious prosecution (Count VI) claims against all individual City defendants. The motion is **denied** as to the municipal liability (Count V) claim against the City.

To summarize, **the following claims will proceed to trial**: fabrication of evidence (Count I) against all individual defendants except for Detective Webb; deliberate deception (Count II) against Officer Zungolo, Detective Campbell, and Detective Webb; Fourth Amendment malicious prosecution (Count III) against all individual defendants; civil rights conspiracy (Count IV) against all individual defendants; municipal liability (Count V) against the City; and state law malicious prosecution (Count VI) against all individual defendants.


MURPHY, J.